

FILED

JUN 23 2001

NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS

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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF CHIROPRACTIC EXAMINERS

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

Administrative Action

SCOTT WHITE, D.C.
License No. MC4139

PROVISIONAL ORDER
OF DISCIPLINE

TO PRACTICE CHIROPRACTIC
IN THE STATE OF NEW JERSEY

This matter was opened to the New Jersey State Board of Chiropractic Examiners upon receipt of information which the Board has reviewed and on which the following preliminary findings of fact and conclusions of law are made;

FINDINGS OF FACT

1. Respondent is a chiropractor in the State of New Jersey and has been a licensee at all times relevant hereto.

2. On December 14, 2000, Respondent was convicted of the crime of Criminal Sexual Contact in New Jersey Superior Court, Ocean County Law Division - Criminal. Specifically: Respondent voluntarily entered a plea of guilty to one count of violation of N.J.S.A. 2C:14-2(c)(1), in that he did commit an act of sexual penetration of the vagina with his hand, upon a person who was his patient at the time, by the use of physical force or coercion; but the victim did not sustain severe personal injury. (Copy of the judgement of conviction annexed hereto and made a part hereof)

3. The following sentence was ordered on March 16, 2001: On Count 1, Three (3) Years Probation with the following terms and conditions: Defendant is to continue attendance at AA, and counseling. He is to have no contact with the victim, and is to pay a fine of \$5,000.

CONCLUSIONS OF LAW

1. The above conviction provides grounds for the revocation of his license to practice in New Jersey pursuant to N.J.S.A 45:1-21(c) in that it conclusively establishes gross malpractice; N.J.S.A 45:1-21(e) in that it conclusively establishes professional misconduct; and N.J.S.A 45:1-21(f) in that the crime of which Respondent was convicted is one of moral turpitude and/or relates adversely to the practice of chiropractic.

ACCORDINGLY, IT IS on this 28 day of June, 2001,
ORDERED that:

1. Respondent's license to practice chiropractic in the State of New Jersey be, and hereby is, revoked. The Board shall not entertain an application for reinstatement of Respondent's license to practice chiropractic in this State for a period of at least five (5) years; and

2. Respondent shall have successfully completed a program of therapeutic education in the area of sexual boundaries for professionals, approved in advance by the Board, prior to making any application for reinstatement of his license to practice chiropractic in this State; and

3. Prior to seeking reinstatement of his license to practice chiropractic in this State, Respondent shall submit at his own expense a record of the monitoring conducted regarding his alcohol abuse by the Physicians Health Program of the Medical Society of New Jersey (P.H.P.) and a record of his attendance at Alcoholics Anonymous, as required by either P.H.P., or by his criminal sentence; and

4. Prior to resuming active practice in New Jersey, Respondent shall be required to appear before the Board (or a committee thereof) to demonstrate fitness to resume practice. Respondent shall supply the Board with reports from his counselor and proof that he has complied with the terms of this Order and of his criminal sentence in advance of his appearance. Any practice in this State prior to formal reinstatement of license by the Board shall constitute grounds for a charge of unlicensed practice. In addition, the Board reserves the right to place restrictions on Respondent's practice should his license be reinstated.

5. The within Order shall be subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry hereof unless Respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by:

a) Submitting a written request for modification or dismissal to Kevin B. Earle, Executive Director, State Board of Chiropractic Examiners, 124 Halsey Street, P.O. Box 45004, Newark, New Jersey 07101.

b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.

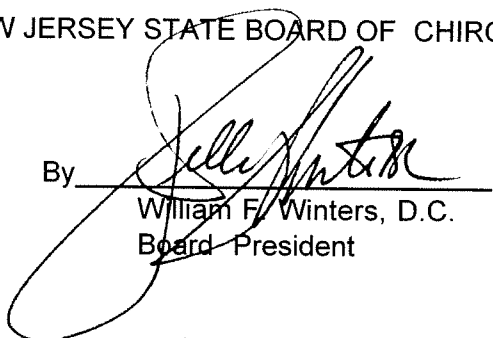
c) Submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor, including any reasons for mitigation of the sanctions imposed.

6. Any submissions will be reviewed by the Board, and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through the submission by Respondent during the thirty-day period, or if the Board is not persuaded that submitted materials merit further consideration, a Final Order of Discipline will be entered.

7. In the event that Respondent's submissions establish a need for further proceedings, including, but not limited to, an evidentiary hearing, Respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein shall serve as notice of the factual and legal allegations in such proceeding.

NEW JERSEY STATE BOARD OF CHIROPRACTIC EXAMINERS

By


William F. Winters, D.C.
Board President

STATE OF NEW JERSEY 99114224-001 T3
V.

NEW JERSEY SUPERIOR COURT PAGE 01 OF 01
OCEAN COUNTY LAW DIVISION-CRIMINAL

SCOTT WHITE

XX JUDGMENT OF CONVICTION
CHANGE OF JUDGMENT
ORDER FOR COMMITMENT
INDICTMENT/ACCUSATION DISMISSED
JUDGMENT OF ACQUITTAL

DATE OF BIRTH 09-22-1964 S.B.I.# 515433C
DATE OF ARREST 11-15-1999 DATE IND/ACCUSATION FILED 02-15-2000
DATE OF THE ORIGINAL PLEA WAS
ORIGINAL PLEA 04-10-2000 XX NOT GUILTY ___ GUILTY

ADJUDICATION BY XX GUILTY PLEA DATE 12-14-2000 ___ NON-JURY TRIAL DATE ___
___ JURY TRIAL DATE ___ ___ DISM/ACQUITTED DATE ___

ORIGINAL CHARGES

IND 00-02-00232-I COUNT DESCRIPTION
001 SEX ASSLT-PHY COER

DEGREE STATUTE
2 2C:14-2C(1)

**I HEREBY CERTIFY THE
FOREGOING TO BE A TRUE COPY**

FINAL CHARGES

COUNT DESCRIPTION
AMEND. 001 CRIM SEX CONTACT PER 2C:14-2C

DEGREE STATUTE
4 2C:14-3B

BY Danney Cusumano
SPECIAL DEPUTY CLERK

IT IS THEREFORE, ON MARCH 16 2001 ORDERED AND ADJUDGED THAT THE DEFENDANT IS SENTENCED AS FOLLOWS:

On Count 1, Three (3) Years Probation with the following terms and conditions:

Defendant is to continue attendance at AA no less than three times per week. Defendant is to continue the counseling he is presently involved in on a once a month basis for at least the next 12 months and thereafter at the discretion of the counselor. Written verification is to be submitted every three months verifying that defendant is attending counseling sessions.

Defendant is to have NO CONTACT WITH VICTIM.

FINE: \$5,000; V.C.C.B.: \$50; Safe Neighborhood Fund Assessment: \$75; L.E.O.T.E.F.: \$30; Supervision Fee: \$25 per month. All fines and penalties are to be paid through Probation as follows: \$155 by 4 P.M. on March 16, 2001 and the balance to be paid within 90 days.

Any bail that has been posted is hereby discharged. .

() IT IS ORDERED THAT THE SHERIFF DELIVER THE DEFENDANT TO THE APPROPRIATE CORRECTIONAL AUTHORITY.
(X) DEFENDANT IS TO RECEIVE CREDIT FOR TIME SPENT IN CUSTODY

1 day 11/15/99-11/15/99
TOTAL DAYS DATES (FROM/TO) DATES (FROM/TO)

() DEFENDANT IS TO RECEIVE GAP TIME CREDIT FOR TIME SPENT IN CUSTODY

TOT CUSTODIAL TERM INSTITUTION TOT PROBATION 3 Years DATES(FROM/TO)

I HEREBY CERTIFY THE
FOREGOING TO BE A TRUE COPY

BY *James C. ...*
SPECIAL DEPUTY CLERK

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - OCEAN COUNTY

THE STATE OF NEW JERSEY :

VS. : INDICTMENT

SCOTT WHITE :

NO. I00-02-00232

Defendant :

COUNT ONE - SECOND DEGREE
SEXUAL ASSAULT

THE GRAND JURORS of the State of New Jersey, for the County of Ocean, upon their oaths PRESENT that SCOTT WHITE, on or about October 29, 1999, in the Township of Brick, County of Ocean, and within the jurisdiction of this Court, did commit an act of sexual penetration upon K.R. by using physical force or coercion, contrary to the provisions of NJS 2C:14-2c, and against the peace of this State, the Government and dignity of the same.

DATED

5/15/00

E. David Millard

E. DAVID MILLARD
County Prosecutor

ENDORSED

Ann M. ...

Foreman

RECEIVED & FILED

FEB 16 2000

DEPUTY CLERK
SUP. CT., OCEAN CO.

JOHN J. FARMER, JR.
ATTORNEY GENERAL OF NEW JERSEY
Division of Law
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MAR 10 2000

NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS

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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF CHIROPRACTIC EXAMINERS

IN THE MATTER OF

Scott White, D.C.
License No. MC4139

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey State Board of Chiropractic Examiners (hereinafter "the Board") upon receipt of information that Dr. White (hereinafter "Respondent") was indicted by a Grand Jury sitting in Ocean County, New Jersey, on February 15, 2000, on one count alleging second degree sexual assault on an adult female patient, contrary to the provisions of N.J.S.A. 2C:14-2c. The sexual assault allegedly occurred on or about October 29, 1999, in Respondent's office at 10 Post Road, Brick Township, New Jersey, and was subsequently reported to the Ocean County Prosecutor's office by the victim.

On March 10, 2000, Respondent declined to be interviewed by Sharon Voigt, R.N., an investigator for the enforcement bureau, pending consultation with his attorney. On March 17, 2000, Investigator Voigt was advised by Edward V. Murachanian, Esq., counsel for Respondent, that his client could not give a statement to the Board with regard to this matter at this time, due to the pending criminal charges. Mr. Murachanian's advice to Respondent was confirmed to Investigator Voigt by letter, dated March 21, 2000.

On June 29, 2000, Mr. Murachanian was contacted by telephone by Deputy Attorney General John D. Hugelmeyer, on the instructions of the Board, to discuss voluntary restrictions on Respondent's practice of chiropractic, pending disposition of the criminal charge or further action by the Board. Respondent having agreed to said restrictions, and for good cause shown:

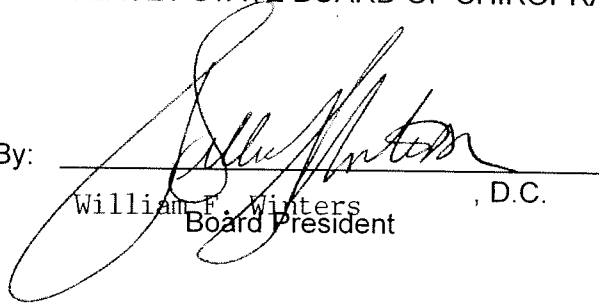
IT IS ON THIS DAY OF *August 16*, 2000
HEREBY ORDERED AND AGREED THAT:

1. Respondent shall engage the use of a female monitor(s), whose name(s) shall be provided to, and approved by, the Board, to be present in his office while any treatment is being rendered to female patients; and
2. Respondent shall keep the door to his treatment room(s) open while treating female patients. Should a female patient request that the treatment room door be closed, a female monitor who has been approved by the Board shall be present in the treatment room for all periods of time during which the door to the treatment room is closed ; and
3. Respondent shall notify the Board in writing within 10 days of the commencement of each and every stage of the criminal proceedings pending against the Respondent, and of any other change in the status of said proceedings; and

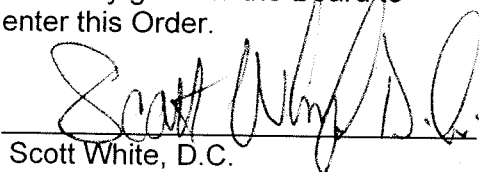
4. Respondent's failure to comply with any of the provisions of this Order may result in disciplinary proceedings being initiated against him by the Board for failure to comply with an Order of the Board. Furthermore, nothing herein shall preclude the Board from pursuing any further action against the Respondent which may be authorized by law.

NEW JERSEY STATE BOARD OF CHIROPRACTIC EXAMINERS

By:


William F. Winters, D.C.
Board President

I have read and understand the within Consent Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.


Scott White, D.C.